

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ADRIENNE CZOSNYKA,
Defendant.

20-CR-150-LJV-HKS
DECISION & ORDER

The defendant, Adrienne Czosnyka, and her co-defendant, Daniel Rodriguez, were charged in a five-count superseding indictment with conspiring to possess with intent to distribute and to distribute at least 500 grams of cocaine and conspiring to maintain 120 Center Avenue, Lower, North Tonawanda, New York, to manufacture, distribute, and use cocaine, all in violation of 21 U.S.C. § 846 (Count 1); possessing with intent to distribute at least 500 grams of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) and 18 U.S.C. § 2 (Count 2); maintaining a drug-involved premises, in violation of 21 U.S.C. § 856(a)(1) and Title 18 U.S.C. § 2 (Count 3); and possessing a firearm in furtherance of drug trafficking, in violation of 18 U.S.C. §§ 924(c)(1)(A)(i) and 2 (Count 4). Docket Item 50. Rodriguez also was charged with possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (Count 5). *Id.*

The case was assigned to this Court, and on September 30, 2021, this Court referred the case to United States Magistrate Judge H. Kenneth Schroeder, Jr. Docket Item 52. On March 25, 2022, Czosnyka moved to suppress evidence seized from her vehicle pursuant to a search warrant, arguing that the stop of her vehicle and

subsequent search was illegal. Docket Items 66. She also moved to suppress her statements to law enforcement because she had not been given *Miranda* warnings before making those statements.¹ *Id.* The government responded on April 8, 2022, Docket Item 69, and Judge Schroeder heard oral argument on April 20, 2022.

On December 19, 2022, Judge Schroeder issued a Report, Recommendation and Order (“RR&O”) finding that Czosnyka’s motions to suppress should be denied. Docket Item 81. More specifically, Judge Schroeder concluded that: 1) neither the stop of the vehicle nor the subsequent search was improper; and 2) there was no factual basis to support the motion to suppress statements because Czosnyka had not identified any statements or submitted a factual affidavit showing why they should be suppressed.² Docket Item 81 at 5 and 7. The deadline for objecting to the RR&O was January 3, 2023, but no objections were filed.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). The court must review *de novo* those portions of a magistrate judge’s recommendation to which a party

¹ Czosnyka also joined Rodriguez’s motion to suppress based on the validity of the warrant, Docket Item 43. Docket Item 66. Judge Schroeder issued a separate Report, Recommendation and Order, Docket Item 80, addressing Rodriguez’s pretrial motions, including the one in which Czosnyka joined. Rodriguez has filed objections to that Report, Recommendation and Order, Docket Item 85, and oral argument on those objections is scheduled for February 16, 2023.

² As it relates to her joinder in Rodriguez’s motion to suppress evidence “obtained as the result of the warrant in all places,” Judge Schroeder noted Czosnyka’s failure to submit an affidavit of standing sufficient to establish a reasonable expectation of privacy “in all places” that were searched. Docket Item 81 at 8. Judge Schroeder found that his findings and recommendations in his Report, Recommendation and Order on Rodriguez’s motion to suppress otherwise were his findings and recommendations on her motion joining in Rodriguez’s motion. *Id.* at 9.

objects. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Criminal Procedure 59 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Schroeder's RR&O as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Schroeder's recommendation to deny Czosnyka's motions to suppress.

For the reasons stated above and in the RR&O, the defendant's motions to suppress, Docket Item 66, are DENIED.

SO ORDERED.

Dated: February 2, 2023
Buffalo, New York

s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE